



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

Spencer
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SEP 26 1989

OFFICE OF
PESTICIDES AND TOXIC SUBSTANCES

Memorandum

Subject: Chromated Copper Arsenate (CCA); Proposed amendment to Consumer Information Sheet (CIS) for Wolmanized Pressure Treated Lumber. No MRID No.; DEB No. 5610.

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To: Spencer Duffy, PMT-67
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SRRD requests that DEB review data/information submitted by the Law Offices of Kilpatrick and Cody on behalf of Hickson Corporation. These data were provided in support of a proposal to amend the Consumer Information Sheet (CIS) for Wolmanized Pressure-Treated Lumber. This proposed amendment would eliminate the current restriction against using Wolmanized Treated-Lumber for construction of water troughs and silage and feed bunkers for food-producing animals.

Wolmanized Pressure-Treated Wood is pressure-treated with chromated copper arsenate (CCA-C), a mixture of potassium dichromate, copper sulfate, and arsenic pentoxide.

Background

A PD-4 for Wood Preservative Pesticides: Creosote, Pentachlorophenol, and Inorganic Arsenicals was issued in July 1984. The PD-4 Final Position for Pressure-Treatment Wood Preservatives, includes the following:

FIFRA Mandatory Consumer Awareness Program-Distribution of CIS to educate purchasers of treated wood about proper use and handling procedures.

Prohibitions on applying formulations to wood intended for use in interiors (with certain exceptions) or for use in contact with food, feed, or drinking water.

DEB completed the Product Chemistry Chapter for the Chromated Arsenates Registration Standard on 6-13-86. A Residue Chemistry Chapter was not prepared, because of the CIS restriction against the use of Wolmanized Pressure-Treated Lumber for food/feed contact surfaces.

Data/Information provided:

1. Cover letter from the Law Offices of Kilpatrick and Cody.
2. Correspondence from Joseph P. Hile, Associate Commissioner for Regulatory Affairs, FDA, to Edwin Johnson, Director Office of Pesticide Programs, memo dated 8-4-83.
3. Correspondence from G. Graber, Director, Division of Animal Feeds, Center for Veterinary Medicine, to Conrad Kempton (sp), Koppers Co. Inc., Wolman Department; memo dated 2-29-89.
4. Correspondence from Conrad Kempinska, Koppers, Co., Inc., Wolman Department, to Woodrow Kight, Chief, Petition Review Branch, FDA.
5. Several Journal Articles on the efficacy of various CCA formulations.
6. A Report entitled: Arsenical Wood Preservatives, prepared by American Wood Preservers Institute, Aug. 1977.
7. A residue study, designed to determine whether Cu, Cr, and As will leach from water troughs constructed of Wolmanized Pressure-Treated Lumber and subsequently contaminate livestock drinking water.
8. Analytical results from assays (Cu, Cr, and As) of mushrooms grown in wood trays treated with CCA-A wood preservative.
9. Additional correspondence and reports, not germane to this amendment request.

DEB's Comments

Hickson's request, that EPA remove the current CIS restrictions against the use of Wolmanized Pressure-Treated Lumber for the construction of water troughs and silage and feed bunkers for food-producing animals (see Wood Preservative PD-4), is based on the following:

i. FDA (not EPA) has the primary responsibility for regulating preservatives used to treat wood that will come into contact with food or feed (see reference 2 above).

ii. FDA's Division of Animal Feeds, CVM, has approved the use of Wolmanized Pressure-Treated Lumber for the construction of livestock water troughs and silage and feed bunkers (see reference 3 above). This decision was based on data showing that Cu and Cr will not leach from watering troughs constructed of Wolmanized Pressure-Treated Lumber, and that the levels of As leached from watering troughs constructed of Wolmanized Pressure-Treated Lumber do not exceed the levels established by the EPA for drinking water (0.01 to 0.05 ppm), and are below the 0.2 ppm upper limit recommended by the National Academy of Sciences for domestic animal drinking water (see reference 7 above).

DEB's Conclusions

1. Determination of regulatory authority is outside of the purview of DEB.
2. The PD-4 Final Position (PD-4 Wood Preservatives, 7-84), which restricts the use CCA Pressure-Treated lumber for food/feed contact surfaces, contradicts FDA's approval of that use.
3. The residue data submitted with this action do not satisfy the requirements of 40 CFR 158.240.

Recommendation

We recommend that the discrepancy resulting from FDA's authorization of food/feed uses of Wolmanized Pressure Treated-Lumber, and EPA's restriction against the same use be resolved.

Note to PM: If it is determined that EPA has regulatory authority over the "food-use" of Wolmanized Pressure-Treated Lumber, then a tolerance petition or an exemption from the requirements of a tolerance will be required to support all food uses.

cc:RF, SF, Circu, F. Suhre, R. Schmitt, PMSD/ISB
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